

2005-0068

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF COMMUNITY SERVICES)

ORDINANCE NO. 05-4-5

An ordinance to approve and authorize the execution of the Home Investment Partnership Act Consortium Cooperation Agreement for Fiscal Year 2006, 2007 and 2008 with the Parish of Jefferson and The City of Kenner.

WHEREAS, the Parish of St. Charles does not qualify for the direct funding through the Federal Housing and Urban Development allocation formula; and,

WHEREAS, the Federal Department of Housing and Urban Development recognizes Consortia as a vehicle for funding small communities; and,

WHEREAS, the Jefferson Parish Community Development Department has agreed to Apply on behalf of the Parish of St. Charles; and,

WHEREAS, it is in the best interest of the Parish to take advantage of this program.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Home Investment Partnership Act Consortium Agreement for Fiscal Year 2006, 2007 and 2008 among the Parish of Jefferson, The City of Kenner and the Parish of St. Charles is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Agreement and documents necessary to implement said program on behalf of the Parish of St. Charles.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: FAUCHEUX, HILAIRE, FABRE, BLACK, DUHE, MINNICH
NAYS: NONE
ABSENT: MARINO, RAMCHANDRAN, WALLS

And the ordinance was declared adopted this 4th day of April, 2005 to become effective five (5) days after publication in the Official Journal.

H O M E Program Ordinance

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: April 5, 2005
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: Albert D. Laque
RETD/SECRETARY: April 5, 2005
AT: 2:20 p.m. RECD BY: BGT

**HOME INVESTMENT PARTNERSHIP ACT
CONSORTIUM COOPERATION AGREEMENT
FOR FISCAL YEARS 2006, 2007 AND 2008**

AMONG

**THE PARISH OF JEFFERSON
THE CITY OF KENNER
AND
THE PARISH OF ST. CHARLES**

The following Agreement made and entered into on this 16th day of MAY, 2005, by and among the Parish of Jefferson, herein represented by the Parish President, Aaron F. Broussard, duly authorized by Resolution No. 103082, adopted March 23, 2005 of the Jefferson Parish Council, and the City of Kenner herein represented by the Honorable Philip L. Capitano, its Mayor, duly authorized by Resolution No. B-14888 of the City Council of Kenner, adopted April 7, 2005 and the Parish of St. Charles, herein represented by Parish President, Albert Laque, duly authorized by Ordinance No. 05-4-05, adopted April 4, 2005 of the St. Charles Parish Council:

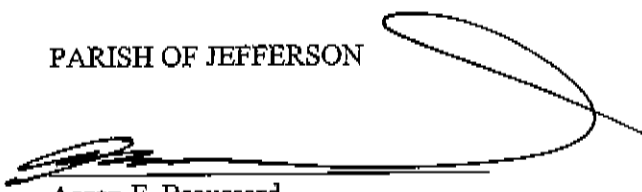
- 1) **Program Activity:** That the parties hereto agree to cooperate to undertake or to assist in undertaking housing assistance activities which will be funded from the annual HOME Investment Partnership Program for Fiscal Years 2006, 2007 and 2008 appropriations and from any Program income generated from the expenditure of such funds, in accordance the authority the parties have under the laws of the State of Louisiana.
- 2) **Program Purpose:** That the parties hereto, in order to obtain the benefits of the HOME Investment Partnership Act, as amended, do hereby enter into an Agreement to cooperate to undertake, or to assist in undertaking housing assistance activities through the HOME Investment Partnership Program to alleviate housing problems within the consortium's geographical area.
- 3) **Representative Appointment:** That the Parish of Jefferson is hereby authorized as the single unit of general local government to act in a representative capacity for both the City of Kenner and the Parish of St. Charles for the purposes of the HOME Program.
- 4) **Representative Responsibilities:** That the Parish of Jefferson is hereby being recognized as the representative member and referred to as the lead entity and shall be responsible for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of the HOME program, including requirements of the approved Consolidated Plan for the respective membership of the Consortium, in accordance with HUD Regulations in 24 CFR Part 92 and 91, respectively, and the requirements of 24 CFR 92.350 and has final responsibility for filing annual program descriptions and annual reports to HUD.
- 5) **Non Veto Provision:** That this Agreement does not provide for and does not allow for a veto or other restriction which would allow any party to the Agreement to obstruct the implementation of the approved Consolidated Plan during the three program years and for such additional time as may be required for the expenditure of funds granted to the Consortium for such period.
- 6) **Legal Opinion:** The determination by the Jefferson Parish Attorney's Office that the term and provisions of this Agreement are fully authorized under state and local law (i.e. LSA-Const. Art 6 section 20, R.S.-R.S. 33:1324, LSA-R.S. 33:1236 and Section 2-935.4 of the Jefferson Parish Code of Ordinances) and that this Agreement provides full legal authority for the Consortium to undertake or assist in undertaking housing assistance activities for the HOME Investment Partnership Program, is hereby attached and made part of this Agreement.
- 7) **Fair Housing:** That it is the intention and understanding of the parties hereto to affirmatively further fair housing, and to conform to the directives contained in the aforesaid HOME Investment Partnership Act of Congress and to take all required actions necessary to assure compliance with Jefferson Parish's certification required by Section (104) (b) for Title I of the Housing and Community Development Act of 1974, as amended, including the provisions of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable laws which are made part of this Agreement by reference. Non-

compliance by the City of Kenner and/or the Parish of St. Charles may constitute noncompliance by the HOME Program Consortium and may provide cause for funding sanctions or other remedial actions. The Parish of Jefferson will prohibit HOME Investment Partnership Program funding for activities in or in support of the City of Kenner or the Parish of St. Charles if the City or Parish fails to affirmatively further fair housing within its own jurisdictions or impedes Jefferson Parish's actions to comply with its fair housing certification.

- 8) Term: The terms of this Agreement shall be for the HOME Fiscal Years 2006, 2007 and 2008 and this agreement shall remain in effect until the HOME funds from each of the Federal fiscal years of the qualification period are closed out pursuant to 24 CFR 92.507. No member may withdraw from the agreement while the agreement remains in effect.
- 9) Automatic Renewal: At the option of the parties hereto, this agreement provides for an automatic renewal provision for successive three-year qualification periods. If automatic renewal is chosen, Jefferson Parish, as the consortium's lead entity will notify both the City of Kenner and the Parish of St. Charles in writing by the date specified in HUD's consortia designation notices, of each local government's right not to participate for the successive three-year qualification periods. A copy of the notification to each jurisdiction will be sent to the HUD Field Office by the date specified in the consortia designation notice by the Parish of Jefferson. As a condition of implementing the automatic renewal provision, the parties hereto agree to adopt any amendment to the agreement incorporating changes necessary to meet the requirements for consortia agreements as set forth in a Consortia Qualification Notice applicable for subsequent three-year consortia qualification period. All amendments must be submitted to HUD as specified in successor consortia notice for the applicable period. It is hereby recognized that failure of the Parish of Jefferson, as lead entity to notify the City of Kenner and the Parish of St. Charles and HUD will void the automatic renewal provision of this agreement. It is recognized by the parties hereto that the automatic renewal provision will not apply should a new member jurisdiction be added for a subsequent three-year period, which will necessitate a new agreement.
- 10) Program Year: That the parties hereto confirm that they all operate on the same program year for CDBG, HOME, Emergency Shelter Grants (ESG) and Housing Opportunities for persons with AIDS (HOWPA), which has a start date of July 1.
- 11) Authority to Amend Agreement: Parish of Jefferson will act as the lead entity to amend this agreement on behalf of the entire consortium to add new members to the consortium should the occasion arise for increasing membership, provided the added new member units of general local government are added for only the remaining fiscal years of the current qualification period. Parish of Jefferson can only amend this agreement for new membership in the fiscal year before the fiscal year(s) for which the new members are added.
- 12) Program Income: That this Agreement sets forth the following provisions in regard to program income:
 - a) That the City of Kenner and the Parish of St. Charles will inform the Parish of Jefferson of any income generated by the expenditure of HOME Investment Partnership funds received by either jurisdiction.
 - a) The City of Kenner or the Parish of St. Charles may retain any such program income subject to the following requirements:
 1. Any program income the City of Kenner or the Parish of St. Charles is authorized to retain by the Parish of Jefferson will only be used for eligible activities in accordance with all HOME Investment Partnership Act requirements as may then apply.
 2. That the Parish of Jefferson will have the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by the City of Kenner and Parish of St. Charles as may be required under OMB Circular A-102 for this purpose.
 3. That in the event of close-out or change in status of the City of Kenner or Parish of St. Charles, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the Parish of Jefferson.

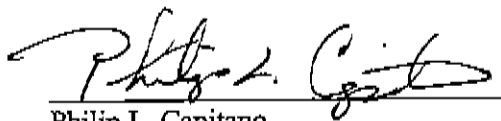
- 13) Membership Responsibilities: That the Agreement sets forth the following provisions in regard to Consortium membership responsibilities:
- a) That the City of Kenner and the Parish of St. Charles do assure to the Parish of Jefferson and to the Department of Housing and Urban Development (HUD) compliance with the current HOME Investment Partnership Act Program certifications, as modified, which are made part of this Agreement by reference.
 - b) That the City of Kenner and Parish of St. Charles implement all components of the approved Consolidated Plan in conjunction with the Parish of Jefferson's efforts during the three program years and for such additional time as may be required for the expenditure of funds granted to the Consortium for such period.
 - c) That the City of Kenner and the Parish of St. Charles endorse the Relocation Policy and Procedure for Non-Acquisition Activities under the Community Development Block Grant Program for Jefferson parish which is made part of this Agreement by reference.
 - d) That the City of Kenner and the Parish of St. Charles will participate by formal response to all Jefferson parish inquiries initiated by the Jefferson Parish Department of Community Development Programs as it applies to the HOME Program.
- 14) Inevitability: That this Agreement is binding on all three parties of the Consortium referred above and contains no provision for termination or withdrawal by any party during the three program years for which the parties are seeking to qualify as a HOME participating jurisdiction.
- 15) Signature Authority: That this Agreement is authorized by the Jefferson Parish Council, and the City Council of Kenner, and the St. Charles Parish Council and shall be executed for the Parish of Jefferson by the Parish President, acting as Chief Executive Officer of Jefferson Parish, and by the Mayor of the City of Kenner, acting as Chief Executive Officer of the City of Kenner, and for the Parish of St. Charles by the Parish President, acting as Chief Executive Officer of St. Charles Parish.

PARISH OF JEFFERSON



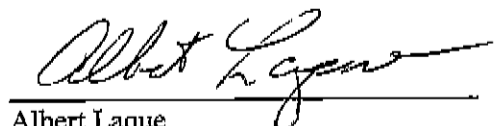
Aaron F. Broussard
Parish President

CITY OF KENNER



Philip L. Capitano
Mayor

PARISH OF ST. CHARLES



Albert Laque
Parish President